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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,329	05/25/2000	William M. Randle	0258100-126392	6339

7590 09/11/2002

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EXAMINER

SNAPP, SANDRA S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/578,329

Applicant(s)

RANDLE ET AL.

Examiner

Sandra Snapp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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***Drawings***

The drawings are objected to because in the specification on page 17, line 12 the information is routed to payor bank and to the depositor bank, yet in Figure 12, a payee bank is shown and no depositor bank is shown. The drawings and specification should be consistent among one another. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claim 25 is objected to because it is in improper dependent claim form. The current form of the claim is improper because it would not satisfy the Infringement Test, as set forth in M.P.E.P. 608.01(n)(III). Claim 25 could conceivably be infringed by something that would not necessarily infringe its base claim, and for that reason, it is an improper dependent claim. Applicant can overcome this objection by rewriting the claim in independent form.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The claims are replete with antecedent basis issues, correction is required. For example, in claim 1, line 8 “a” settlement mechanism is identified, and again in line 13 “a” settlement mechanism is identified. Are these the same settlement mechanism or different? If they are different, they should be identified as such. Another example is at the end of claim 1, line 16, the user indicia should be “said” user indicia, and etc. These are only a few representative antecedent issues raised, all the claims should be reviewed and amended accordingly. Yet another example is in claim 5, is the “a” user’s entrance, “a” mall and “a” user’s verified identity should all be “said.”

Claims 1, 30 and 31 are indefinite because the paragraph from lines 6-8 is confusing. It appears the network also links the users and their accounts, and the network links merchants and their accounts, etc., however the present wording does not clearly present that idea.

The term “ore” in line 3 of claim 6 is a typographical error.

Claims 3, 21 and 22 are vague and indefinite because they are confusing and unclear. The Examiner does not know what the Applicant is trying to claim in claim 3.

~ In claim 6, should the “customer” be the “user?”

The phrase “claim 5 or 6” in claim 7 is unacceptable preamble form.

In claims 9 and 10, the phrase “mall merchant” is inconsistent with the previous citations of simply a “merchant.”

In claim 31, line 4 the term “merchants” is introduced, then in lines 9 and 10 (also line 1 of claim 32) the phrase “at least one merchant” is used, is this at least one of said merchants or a new, different merchant altogether? Also, in line 21, “the account” lacks

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antecedent basis, no account has previously been identified. Is the account a merchant account or a user account?

Claim 25 is rejected as under 35 U.S.C. 112, 2<sup>nd</sup> paragraph as being indefinite because it is unclear what the Applicant is actually trying to claim. Is claim 25 directed to a method or more theoretically to a separate system? If the claim is actually directed toward a method, then the claim needs to be rewritten as a method claim. If the claim is directed to a separate system, then there is a potential rejection based on 35 U.S.C. 101 because the scope of the dependent claim 1 is being changed from one type of system to another.

Also, "the user check writer's account balances" lacks proper antecedent basis.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Shavit et al.

The Shavit reference discloses an interactive market management system that has an association of user account custodians and merchant account custodians (col. 8, lines 55-68); a network (col. 5, lines 20-38) linking the various parties of the system (col. 5, lines 39-65); a vendor mall (col. 5, lines 66-68 and col. 6, lines 1-18); a network switch (col. 6, lines 57-68); a means in the network switch for receiving transaction information (col. 9, lines 43-68); a mechanism to effect a guarantee of good funds in the account (col. 8, lines 55-68 and col. 9, lines 1-68); a control means in the network switch to initiate the

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settlement mechanism (col. 9, lines 43-68) (claims 1 and 31); and a third party intermediary reimbursement service site (col. 8, lines 5-68 and col. 9, lines 1-68) (claim 30).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Grant et al., Musmanno, Sibley, Jr., Kalmus et al., Fraser, and Adams patents disclose various types of computerized market systems, The Manabe et al. patent discloses a computerized information collection system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Snapp whose telephone number is 703-305-6940. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
SS

September 8, 2002

  
**VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**